

as organized, and to provide for the appointment of a Judge and District Attorney for said Ninety-Fourth Judicial District, and fix their compensation, and to provide for the retention in office of the present clerks of the District Courts of Orange, Jasper and Hardin Counties as clerks of the District Courts of said counties in the First Judicial District, as reorganized, and providing for the retention in office of the present clerks of the District Courts of Sabine and San Augustine and Newton Counties as Clerks of the District Courts of said counties in the said Ninety-Fourth Judicial District, created hereby, and providing that the District Court of the First Judicial District reorganized by this Act, and the District Courts of the Ninety-fourth Judicial District, created by this Act, and the judges thereof, shall have all the powers and jurisdiction that District Courts and the judges thereof, now have or may hereafter be conferred upon them, under the Constitution and other laws of the State of Texas, and providing for the time of holding the District Court in each of the Counties of Orange, Jasper and Hardin, composing said reorganized First Judicial District, and providing for the time of holding the District Court in each of the Counties of Sabine, San Augustine and Newton, composing the said Ninety-fourth Judicial District, and validating all process issued, juries drawn, or bail bond, or recognizances taken in the District Court of any of the counties composing the present First Judicial District, and repealing all laws or parts of laws in conflict herewith, and providing that this Act shall be and become effective on and after January 1, 1924, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back with the recommendation that it do pass.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 28, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 93, A bill to be entitled "An Act to make appropriation to pay off that certain note executed by the Prison Commission to Bassett

Blakely for the purchase of certain mules and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DUDLEY, Chairman.

### THIRTY-SIXTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, March 1, 1923.

The Senate met at 9:45 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Holbrook.	Witt.
Lewis.	Woods.
Floyd.	

Absent.

Wood.

Absent—Excused.

Rogers.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

### Bills and Resolutions.

By Senator Strong:

S. B. No. 415, A bill to be entitled "An Act providing that each and every casualty insurance company now engaged, or that may hereafter engage in the transaction of the business of casualty insurance in this State, shall, as a condition of its right to transact such business in this State, invest and keep invested in Texas securities as 'Texas Securi-

ties' are now defined by law in Texas real estate as now provided by law a sum of money equal to at least seventy-five per cent of the aggregate amount of the legal reserve for unpaid losses upon policies issued or that mature in this State and which it is required to maintain on account of said policies and which reserve is hereinafter denominated its Texas reserve. And each such company securing a certificate of authority to do business in this State shall be deemed to have accepted such certificate subject to all of the conditions and requirements of this Act, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Wood.

S. B. No. 416, A bill to be entitled "An Act prohibiting the Board of Prison Commissioners from making any payment, settlement, trade or transaction whatsoever with respect to three certain notes heretofore executed by the Board of Prison Commissioners in the sum of \$31,250.00 each, dated December 11, 1920, payable to the Fort Bend Cotton Oil Company or order, and claimed to have been executed by the Board of Prison Commissioners in part payment for certain cottonseed oil mill properties situated in Richmond, Fort Bend County, Texas, claimed to have been purchased by the Board of Prison Commissioners from the Fort Bend Cotton Oil Company, and one certain other note in the sum of \$39,000, payable to Bassett Blakely or order and executed by the Board of Prison Commissioners in payment for certain mules and horses purchased from Bassett Blakely by the Board of Prison Commissioners in January, 1921; and creating an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Dudley:

S. B. No. 417, A bill to be entitled "An Act to amend Chapter 13 of the General Laws of the Regular Session of the Thirty-fourth Legislature, which was approved February 18, 1915, being 'An Act to require the Governor of Texas to appoint an inspector of hides and animals in each of the following counties, to wit: El Paso, Cameron, Lamb, Hi-

dalgo and Starr, and to place said counties under the provisions of Articles 7256 to 7304, inclusive, Revised Civil Statutes of 1911, and declaring an emergency,' so as to exclude El Paso County from the provisions of that law."

Read first time and referred to Committee on Stock and Stock Raising.

#### S. C. R. No. 20

By Senator Darwin:

Whereas, There is in Texas nearly three hundred thousand people above ten years of age who cannot read or write, and, whereas, the ability to read and write is the first stepping stone to personal independence of the individual, both in his duties as a citizen and in the care of his personal affairs; and,

Whereas, the illiteracy of the parents is the great and main cause of illiteracy among the children.

Therefore, we respectfully ask that the Extension Department of the University of Texas work out some plan to eliminate illiteracy in Texas and report to the Called Session of the Legislature some method of reaching this unfortunate situation; and to furnish all information on the Texas situation and some estimate as to the sum of money necessary to do the work during a reasonable term of years.

Stuart, Bledsoe, Darwin, Ridgeway, Bowers.

The resolution was read and adopted.

#### H. B. No. 60—Free Conference Committee Appointed.

By Senator Parr:

I move that the Senate grant the request of the House for a Free Conference Committee on H. B. No. 60, the following conferees be appointed on behalf of the Senate: Bowers, Fairchild, Holbrook, Dudley, McMillin.

The motion prevailed.

#### S. B. No. 159—Ordered Printed in Journal.

On motion of Senator McMillin, S. B. No. 159, reported adversely with a favorable minority report, was ordered printed in the Journal.

### Messages From the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and, being duly announced, presented the following three messages from the Governor, which were read to the Senate, as follows:

Governor's Office.

Austin, Texas, March 1, 1923.

To the Texas Senate, Thirty-eighth Legislature.

Gentlemen: I am returning herewith to you, with my disapproval and veto, Senate Bill No. 278. This bill provides for the creation of the 96th Judicial District Court, composed of Tarrant County.

First. We have at this time too many district courts in Texas. A considerable number of our courts now in existence have but little to do. Certainly we should be slow to create new courts while many of those we already have do not have sufficient work to do. There is no private business enterprise anywhere in Texas which would employ additional help to do a particular kind of work while many of those already in the employ of the institutions did not have enough work to do to occupy their time. The private institutions would readjust matters so that the employees would be kept reasonably busy with the work assigned them. It is conservatively estimated that the running expenses, directly connected with and incident to the operation of a district court, are approximately \$25,000 a year. There are now pending in the Legislature fifteen or more bills creating that number of new district courts in Texas. All those bills will probably pass and come to my desk for consideration. The proponents of each particular bill think that their court, above all courts, is an absolute necessity. Scarcely any of the respective districts need, if anything, more than temporary relief.

Second. For the purpose of giving temporary relief it is neither wise nor necessary to establish a permanent court. When a court has been once established it seems absolutely impossible at any time to abolish it; courts and public offices once created seem to run on forever.

Two bills now pending before the Legislature, one providing for exchange of benches and the other pro-

viding for five district courts for all Texas, will give, according to the judgment of those who have considered the question, necessary relief, not only in a few particular cases in Texas, but throughout the entire State. We presume these two bills will pass both the House and Senate within the next few days. These two contemplated laws, when put into operation, will, together, relieve both the civil and the criminal dockets of Tarrant County.

Third: To say the least, the two proposed laws above mentioned would, in operation, give temporary relief to the district court docket of Tarrant County, and when the next regular session of the Legislature convenes, if it is found that this aid has not been sufficient to catch up with the work of the courts, then it will be the proper time for the State to go to the expense of creating another permanent district court for Tarrant County. The fact that there may be a large number of cases on a court docket does not necessarily mean that the courts need even temporary relief. Nearly all court dockets have many cases on them. This, however, does not indicate that the court is kept busy trying cases. All of us who have practiced law to any extent realize the truth of this statement. Tarrant County now has three district courts and an inquiry into the work turned out by these three courts would indicate that the lawyers who desired to have cases tried were not often prevented from doing so on account of court facilities. I was unofficially advised that one of the judges complained that he did not have enough work to keep him busy for the reason that it was difficult to get cases to try. It seems to me that temporary relief, as provided in the two bills above mentioned, should be first tried out. It is thought by many, both of the laity and of the legal profession in Fort Worth, that this additional court is not needed and that temporary relief at most, is all that could be desired.

Believing that it would be unwise and not in keeping with the principles of strict and rigid economy to create another permanent district court at Fort Worth just at this time, I am, guided by the best light that I now have, returning herewith to you, with my veto, this bill which seeks to es-

tablish another district court in Tarrant County.

Respectfully,  
PAT M. NEFF, Governor.

Governor's Office,  
Austin, Texas, March 1, 1923.

To the members of the Texas Senate of the Thirty-eighth Legislature:

Gentlemen: I am returning herewith to you, with my disapproval and veto, Senate Bill No. 105. This act seeks to amend Section 2 of Chapter 15 of the General Laws of the State of Texas, Acts of the Thirty-first Legislature, providing for the creation of a State Banking Board.

The present law in regard to this Banking Board provides that the Commissioner of Insurance and Banking, the State Treasurer, and the Attorney General shall compose the State Banking Board. This Act provides, that in addition to these three members, there shall be, in the language of the law, "practical bankers." The placing of two practical bankers on this Board, that is, bankers who operate and are interested in Texas banks, is absolutely contrary to the original intent of the law creating the State banks and naming a Banking Commissioner, because the original law provides that the Commissioner of Banking shall not be interested in or have any connection with, directly or indirectly, any State bank. He is required, under the provisions of the law, to dispose of his bank stock and sever every interest of every kind that he has in any State bank, before he is deemed qualified to serve the State as Bank Commissioner. To aid the Bank Commissioner, the law designated the Attorney General of the State and the State Treasurer to be his co-workers and counsellors, and the law does not permit the officers, directly, or indirectly, to have any interest in any bank or banking institution. These three officers, who have for some years constituted the State Banking Board, are officers of the State, bound by both an oath and a bond to perform faithfully and efficiently their duties as members of this Banking Board. The two practical bankers now sought to be added to this Board neither give a bond nor take an oath of office. Absolutely contrary to the original thought when this Board was first created, this bill adds two new members to the Board, with full power to act on all matters, who are

officially engaged in the banking business and interested in banking institutions and are, therefore, directly interested in the acts and conduct of the Commission in the discharge of its official duties. It is doubtful whether a board can be successfully administered where the individuals composing its membership have such opposing interests; that is to say, where a part of the members of the board are prohibited from being directly or indirectly interested in a bank, the other members being required to have direct interests in banking institutions, in the language of the Act, being "practical bankers." It seems to me an unwise policy to have a governmental agency that handles and controls millions of dollars administered by unsworn and unbonded persons who are in no wise officers of the State.

This bill places, in connection with the handling of millions of dollars, entirely too much power in the hands of the Governor. Under this new bill the Governor, who would by its provisions, appoint the Bank Commissioner and the two practical bankers, unsworn and unbonded officers, might have, under certain contingencies, too much influence and too much authority in the handling and directing of the use of the banking funds of the State. The Governor, under the provisions of this bill, if he sought to do so, could both make and unmake banks, and to place this much power and authority in the hands of any one man, where millions of dollars are invested, is contrary to healthful public policy.

In addition to the above reasons, it would not be practicable to add two practical bankers to the Board for the reason that, especially in times of financial stress, the Banking Board often meets daily and sometimes several times a day, and meets regularly at least an average of six to eight times per month, and, unless the two bankers so named were both residents of Austin, which would not be wise, it would not be possible for them to attend these meetings of the Banking Board. If, on the other hand, it is contended that the bankers should only meet at stated times with the Board and go over and check all the work already done by the other members of the Board who reside in Austin, this would, in the very nature of

things, breed dissention and dissatisfaction rather than co-operation and efficiency.

The Banking Board, as it is now constituted, has weathered the storm during the great financial stress of the past few years. No mismanagement or inefficiency of any kind, so far as I have been advised, has been charged against this Board. They are free and have authority to call to their counsel at all times the leading bankers of the State in order to get their views in connection with the solving of the many complex and complicated problems connected with our State banking laws.

Feeling that this bill is wrong in principle and unworkable as a practical proposition, it is hereby returned to you with my veto and disapproval.

Respectfully,

PAT M. NEFF, Governor.

Governor's Office,

Austin, Texas, March 1, 1923.

To the Texas State Senate, Thirty-eighth Legislature.

Gentlemen: I am returning herewith to you, with my disapproval and veto, S. B. No. 92. This bill provides for the creation of the Ninety-third Judicial Court, composed of Hidalgo County.

First: We have at this time entirely too many districts courts in Texas. A considerable number of our courts now in existence have but little to do. Certainly we should be slow to create new courts while many of those we already have do not have sufficient work to do. There is no private business enterprise anywhere in Texas which would employ additional help to do a particular kind of work while many of those already in the employ of the institution did not have enough to do to occupy their time. The private institution would readjust matters so that the employes would be kept reasonably busy with the work assigned them. It is conservatively estimated that the running expenses, directly connected with and incident to the operation of a district court, are approximately \$25,000 a year. There are now pending in the Legislature some fifteen or more bills creating that number of new district courts in Texas. All these bills will probably pass and come to my desk for consideration. The proponents of each particular bill think that their court,

above all courts, is an absolute necessity. Scarcely any of the respective districts need, if anything, more than temporary relief.

Second: For the purpose of giving temporary relief it is neither wise nor necessary to establish a permanent court. When a court has been once established it seems absolutely impossible at any time to abolish it; courts and public office once created seem to run on forever.

Two bills now pending before the Legislature, one providing for exchange of benches and the other providing for five district courts for all Texas, will give, according to the judgment of those who have considered the question, necessary relief, not only in a few particular cases in Texas, but throughout the entire State. We presume these two bills will pass both House and the Senate within the next few days. These two contemplated laws, when put into operation, will, together, relieve both the civil and the criminal dockets of Hidalgo County. To say the least, the two proposed laws above mentioned would, in operation, give temporary relief to the District Court docket of Hidalgo County, and when the next regular session of the Legislature convenes, if it is found that this aid has not been sufficient to catch up with the work of the courts, then it will be the proper time for the State to go to the expense of creating another permanent district court for Hidalgo County. The fact that there may be a large number of cases on a docket does not necessarily mean that the courts need even temporary relief. Nearly all court dockets have many cases on them. This, however, does not indicate that the court is kept busy trying cases. All of us who have practiced law to any extent realize the truth of this statement. It seems to me that temporary relief, as provided in the two bills above mentioned should be first tried out.

Believing that it would be unwise and not in keeping with the principles of strict and rigid economy to create another permanent district court for Hidalgo County just at this time, I am, guided by the best light that I now have, returning herewith to you, with my veto, this bill which

seeks to establish another district court in Hidalgo County.

Respectfully,

PAT M. NEFF, Governor.

**S. B. No. 244 on Passage to Third Reading.**

Senator Burkett called up S. B. No. 244 relating to Supreme Judicial Districts reorganization, which was read the second time on February 28, and laid on the table subject to call.

The chair laid the bill before the Senate, with amendment by Senator Burkett pending.

Senator Burkett offered the following substitute for the amendment:

Substitute the pending amendment to S. B. No. 244 by striking out all below the enacting clause and inserting the following:

Section 1. The State of Texas shall be, and is hereby divided into eleven Supreme Judicial Districts, for the purpose of constituting and organizing courts of civil appeals therein, respectively:

1. The following counties shall compose the First Supreme Judicial District: Houston, Walker, Harris, Grimes, Washington, Waller, Fort Bend, Brazoria, Matagorda, Wharton, Colorado, Austin, Fayette, Lavaca, Jackson, Anderson, Chambers, DeWitt, Galveston, and Trinity.

2. The following counties shall compose the Second Supreme Judicial District: Wichita, Cooke, Montague, Clay, Archer, Young, Jack, Wise, Denton, Tarrant, Parker, Hood, Somerville, and Johnson.

3. The following counties shall compose the Third Supreme Judicial District: Coleman, Mills, Lampasas, San Saba, McCulloch, Concho, Llano, Burnet, Williamson, Milam, Lee, Bastrop, Travis, Blanco, Hays, Comal, Caldwell, Sterling, Coke, Runnels, Tom Green, Irion, Schleicher, Crockett.

4. The following counties shall compose the Fourth Supreme Judicial District: Val Verde, Sutton, Edwards, Kinney, Maverick, Menard, Kimble, Kerr, Bandera, Zavalla, Dimmit, Webb, LaSalle, Frio, Medina, Uvalde, Duval, McMullen, Atascosa, Bexar, Kendall, Gillespie, Mason, Guadalupe, Wilson, Live Oak, Zapata, Bee,

Gonzales, Karnes, Calhoun, Victoria, Goliad, Refugio, San Patricio, Aransas, Nueces, Hidalgo, Cameron, Starr, Jim Hogg, Real, Brooks, Jim Wells, Kleberg, Kenedy, Willacy.

5. The following counties shall compose the Fifth Judicial District: Grayson, Collin, Dallas, Rockwall, Ellis, Navarro, Kaufman, Henderson, Van Zandt, Rains, Hunt, Wood and Delta.

6. The following counties shall compose the Sixth Supreme Judicial District: Lamar, Red River, Bowie, Hopkins, Franklin, Titus, Morris, Cass, Marion, Camp, Fannin, Cherokee, Gregg, Harrison, Panola, Smith, Upshur and Rusk.

7. The following counties shall compose the Seventh Supreme Judicial District: Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingworth, Farmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Foard, Hardeman, Wilbarger, Crosby, Lubbock, Hockley, Cochran, Yoakum, Terry, Lynn, Garza, Dickens, Kent and King.

8. The following counties shall compose the Eighth Supreme Judicial District: Gaines, Andrews, Martin, Loving, Winkler, Midland, Glasscock, Reeves, Ward, Crane, Upton, Reagan, Terrell, Pecos, Brewster, Presidio, Jeff Davis, El Paso, Ector, Culberson, and Hudspeth.

9. The following counties shall compose the Ninth Supreme Judicial District: Shelby, Nacogdoches, Angelina, San Jacinto, Montgomery, Liberty, Jefferson, Orange, Hardin, Newton, Jasper, Tyler, Polk, Sabine and San Augustine.

10. The following counties shall compose the Tenth Supreme Judicial District: McLennan, Coryell, Falls, Robertson, Bell, Hamilton, Limestone, Hill, Freestone, Madison, Bosque, Brazos and Leon.

11. The following counties shall compose the Eleventh Supreme Judicial District: Baylor, Knox, Stone-wall, Haskell, Throckmorton, Stephens, Shackelford, Jones, Mitchell, Nolan, Taylor, Callahan, Eastland, Dawson, Howard, Scurry, Fisher, Comanche, Erath, Palo Pinto, Borden and Brown.

Sec. 2. Within thirty days after the passage of this Act, the Governor shall by and with the consent of the Senate, if in session, appoint one chief and two associate justices, for the Eleventh Supreme Judicial District who shall each reside in the territorial limits of the Eleventh Supreme Judicial District, and who shall possess the qualifications now required by law, who shall constitute the Court of Civil Appeals within and for the Eleventh Supreme Judicial District, and who shall hold their offices until the next general election in 1924, and who shall thereafter be elected and qualify as provided and required by Article 1581 of the 1911 Revised Statutes of Texas.

Sec. 3. The Court of Civil Appeals for the Eleventh Supreme Judicial District shall hold its sessions in the City of Eastland, in the County of Eastland and its term shall commence on the first Monday of October of each year and shall continue in session until the first Monday in July of each succeeding year, provided, however, that said court may commence its first session immediately upon the appointment and qualification of the judges thereof and the organization of the court; and, provided further, said court shall be located at Eastland, Eastland County, Texas; the commissioners' court of said county, or the citizens thereof, shall furnish, provide and equip a suitable room or rooms for said court and the members thereof, without cost or expense to the State.

Sec. 4. The crowded condition of the docket of the Supreme Judicial District of Texas, and the unprecedented increase in litigation in the counties of the Eleventh Supreme Judicial District, and the long distance intervening from said counties to any court of civil appeals in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended; and the said rule be, and the same is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The substitute was adopted, and the amendment as substituted was adopted.

Senator Burkett offered the following amendment to the bill:

Amend caption to S. B. No. 244 by striking out the word "tenth" in line 9 of the caption and insert the word "eleventh."

The amendment was adopted.

Question recurring on the engrossment of the bill, yeas and nays were demanded, and the bill was passed to engrossment by the following vote:

Yeas—19.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Strong.
Clark.	Stuart.
Cousins.	Turner.
Davis.	Wirtz.
Doyle.	Witt.
Dudley.	Woods.
Fairchild.	

Nays—4.

Bailey.	Murphy.
Lewis.	Watts.

Present—Not Voting.

Holbrook.	Rice
McMillin.	Thomas.

Absent.

Darwin.	Wood.
Floyd.	

Absent—Excused.

Rogers.

#### S. B. No. 244 on Third Reading.

On motion of Senator Burkett the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 244 was put upon its third reading and final passage by the following vote:

Yeas—23.

Baugh.	Lewis.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Witt.
Floyd.	Woods.
Holbrook.	

## Nays—4.

Bailey.	Watts.
Murphy.	Wirtz.

## Present—Not Voting.

McMillin.

## Absent.

Darwin.	Wood.
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## Absent—Excused.

Rogers.

The Chair then laid S. B. No. 244 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—22.

Baugh.	Floyd.
Bledsoe.	Holbrook.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Witt.
Fairchild.	Woods.

## Nays—6.

Bailey.	Turner.
Lewis.	Watts.
Murphy.	Wirtz.

## Present—Not Voting.

McMillin.

## Absent.

Wood.

## Absent—Excused.

Rogers.

## Executive Session.

The Chair here announced that the time set by the Senate, 11:15 a. m., for consideration of nominations by the Governor, had arrived.

The Senate then resolved itself into executive session.

## In the Senate.

In executive session the confirmation of the following appointments was reported to the Journal Clerk by the Secretary:

To be members of the State Text Book Commission: Bonner Frizzell,

of Palestine, Texas, September 13, 1921, and Wesa Weddington, of Bryan, Texas, September 13, 1921.

To be State Adjutant General, T. D. Barton, of Amarillo, Texas.

To be State Tax Commissioner, John G. Willacy, of San Antonio, Texas.

To be Commissioner of Labor, Jos. W. Myers, of Fort Worth, Texas.

To be member of the State Live Stock Sanitary Commission, J. E. Boog-Scott, of Coleman, Texas.

To be State Health Officer, W. H. Beazley, of Lufkin, Texas.

To be members of the Texas Railroad Commission, W. A. Nabors, of Winnsboro, Texas, to fill the unexpired term of Allison Mayfield, deceased.

W. M. W. Splawn, of Austin, Texas, to fill the unexpired term of Earle B. Mayfield, resigned, effective March 1, 1923.

## H. B. No. 468 on Third Reading.

On motion of Senator Bledsoe, by unanimous consent, the regular order was suspended, and the Senate took up out of its order,

H. B. No. 468, A bill to be entitled "An Act creating the Ninety-second Judicial District of Texas, and fixing its boundaries, and providing for two district courts in said district, one in Stephens County and the other in Young County; defining and declaring the jurisdiction of said courts, respectively, and prescribing the duration of said courts; fixing terms of said courts; providing for a district judge of said district, and that in Young County the District Attorney of the Thirtieth Judicial District shall act as District Attorney of said new district; providing for a clerk of each such new court, and for compensation of such district attorney and of such clerks; providing for return to such new courts of process writs and bonds, and for transfer and re-transfer of causes and actions, motions and matters to and from the dockets of such new courts, respectively; validating certain outstanding process and writs; detaching and removing Stephens County from the Forty-second Judicial District of Texas, and declaring an emergency."

The Chair then laid H. B. No. 468 before the Senate on its third reading and final passage.



The bill was read the third time and passed by the following vote:

Yeas—27.

Baugh.	McMillin.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Lewis.	

Nays—3.

Bailey.	Turner.
Murphy.	

Absent—Excused.

Rogers.

**H. B. No. 294 on Second Reading.**

On motion of Senator Bledsoe, by unanimous consent, the regular order was suspended, and the Senate took up out of its order,

H. B. No. 294, A bill to be entitled "An Act to reorganize the Forty-sixth and Forty-seventh Judicial Districts and to create the Ninety-third Judicial District of the State of Texas, and for the appointment of the district judge and the district attorney for said Ninety-third Judicial District, providing for holding the district courts and the terms thereof in the Forty-sixth, Forty-seventh and Ninety-third Judicial Districts, respectively, and providing that all process and writs heretofore issued, and all recognizances and bonds heretofore made and executed and returnable to existing forms of district court in the counties composing said districts together with jurors heretofore selected, are valid and returnable to the first term of such court after this Act takes effect, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect, to the end of their terms, repealing all conflicting laws, and declaring an emergency" with engrossed rider.

The Chair laid the bill before the Senate, and it was read second time.

The committee report carrying the following amendments was adopted:

(1)

That wherever the words "Ninety-fifth" appear in the caption they be stricken out, and the words "One Hundredth" be substituted therefor.

(2)

That wherever the words "Ninety-fifth" appear in the bill they be stricken out, and the words "One Hundredth" be substituted therefor.

Senator Bledsoe offered the following amendments to the bill:

(1)

Amend H. B. No. 294 by striking out the words "Ninety-fifth," where stated in said bill, and inserting in lieu thereof the words "One Hundredth."

(2)

Amend caption to H. B. No. 294, as printed, by striking out the words "Ninety-fifth" and inserting in lieu thereof "One Hundredth."

S. B. No. 294 was then passed to third reading.

**H. B. No. 294 on Third Reading.**

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days in each House was suspended, and H. B. No. 294 was put upon its third reading and final passage by the following vote:

Yeas—29.

Bailey.	McMillin.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Clark.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.
Lewis.	

Nays—1.

Murphy.

Absent—Excused.

Rogers.

The Chair then laid H. B. No. 294 before the Senate on its third reading and final passage.

The bill was read third time and passed.

**S. B. No. 92—Passage Over Governor's Veto.**

Senator Parr moved that S. B. No. 92 be reconsidered and passed, notwithstanding the objections of the Governor.

The roll was called and the bill was passed by the following vote:

Yeas—18.

Bledsoe.	Murphy.
Bowers.	Parr.
Burkett.	Rice.
Clark.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Wirtz.
Fairchild.	Witt.
McMillin.	Wood.

Nays—9.

Bailey.	Lewis.
Baugh.	Turner.
Cousins.	Watts.
Doyle.	Woods.
Holbrook.	

Absent.

Floyd.	Thomas.
Pollard.	

Absent—Excused.

Rogers.

**S. B. No. 279—Passage Over Governor's Veto.**

Senator Stuart moved that S. B. No. 297 be reconsidered and passed, notwithstanding the objections of the Governor.

The roll was called and the bill was passed by the following vote:

Yeas—19.

Bledsoe.	Burkett.
Bowers.	Clark.
Darwin.	Rice.
Davis.	Ridgeway.
Dudley.	Strong.
Fairchild.	Stuart.
McMillin.	Wirtz.
Murphy.	Witt.
Parr.	Wood.
Pollard.	

Nays—9.

Bailey.	Lewis.
Baugh.	Turner.
Cousins.	Watts.
Doyle.	Woods.
Holbrook.	

51—Senate

Absent.

Floyd.	Thomas.
Rogers.	

**Bills Read and Referred.**

The Chair, Lieutenant Governor Davidson, had referred, after its caption had been read, the following House Bill:

H. B. No. 95, to the Committee on Labor.

**S. B. No. 403 on Second Reading.**

On motion of Senator Watts, by unanimous consent, the regular order was suspended, and the Senate took up out its regular order,

S. B. No. 403, A bill to be entitled "An Act validating Midway Common School District No. 44 of Johnson County, Texas, as the same is described in the order of the county board of trustees of Johnson County, dated June 3, 1922; validating an election for school house and equipment bonds, in the sum of \$3000, held on July 3, 1922, together with all orders of the commissioners' court of Johnson County, pursuant to said election and in respect to said bonds; also validating all levies of taxes made by the said commissioners' court for the purpose of providing interest and sinking fund for said bonds; authorizing the Attorney General to approve said bonds; defining the powers of the county school trustees of Johnson County in respect to said district; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that the bill be not printed was adopted, and the bill was passed to engrossment.

**S. B. No. 403 on Third Reading.**

On motion of Senator Watts, the constitutional rule requiring bills to be read on three several days in each House was suspended, and S. B. No. 403 was put upon its third reading and final passage by the following vote:

Yeas—30.

Bailey.	Bowers.
Baugh.	Burkett.
Bledsoe.	Clark.

Cousins.	Pollard.
Darwin.	Rice.
Davis.	Ridgeway.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Holbrook.	Watts.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	Woods.

Absent—Excused.

Rogers.

The Chair then laid S. B. No. 403 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—30.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.—Excused.

Rogers.

#### H. B. No. 29 on Passage to Third Reading.

Senator Wirtz called up H. B. No. 29, relating to adopting of heirs, which was read the second time on February 7 and laid on the table subject to call.

The Chair laid the bill before the Senate, and it was passed to third reading.

Senator Woods made the point of order that H. B. No. 29, on the table subject to call, could not be called up during the consideration of House Bills on the calendar as part of the morning call.

The Chair, Lieutenant Governor Davidson, overruled the point of order and held that House Bills on the table

could be called up on House Bill day during the consideration of House Bills.

#### Simple Resolution No. 78.

By Senator Murphy:

Whereas, The Honorable Lynch Davidson of Harris County, formerly a distinguished member of this Senate, and as Lieutenant Governor, the President and presiding officer of this Senate, and in such capacities rendered valuable and distinguished assistance to the State of Texas, and is at this time in the city at the request of committee of the Senate and House for the purpose of aiding them; therefore, be it

Resolved, That he be invited to address the Senate and that he be extended the privileges of the floor.

The resolution was read and adopted.

The Chair appointed Senators Murphy, Strong and Witt to escort Hon. Lynch Davidson to the President's stand, and he addressed the Senate.

#### H. B. No. 33 on Second Reading.

The Chair laid before the Senate as regular order, on its passage to third reading,

H. B. No. 33, A bill to be entitled "An Act requiring the labeling of all cloth, fabric, garments or articles of apparel sold or offered for sale in this State which contain wool or purport to contain wool, and samples containing or purporting to contain wool displayed in this State in soliciting orders, and providing for punishment for violation of this Act."

The bill having been read second time on February 22, and postponed until today.

Senator Dudley offered the following amendment to the bill:

Amend H. B. No. 33 by adding at the end of Section 3 the following: Also, provided that the bill shall not apply to merchandise already acquired at the time the Act takes effect; and provided, further, that this bill shall not apply to any wholesale or retail merchant or merchant tailor in Texas who has bona fide requested in writing any reputable woolen mill, manufacturer or wholesale merchant engaged in business beyond the limits of this State to comply

with Section One of this Act and such foreign woolen mill, manufacturer or wholesale merchant has positively refused to do so.

The amendment was adopted.

Question: Shall H. B. No. 33 be passed to third reading?

#### Recess.

On motion of Senator Doyle, the Senate at 12:10 p. m. recessed until 2 p. m. today.

#### Afternoon Session.

The Senate met at 2 o'clock p. m. and was called to order by Lieutenant Governor T. W. Davidson.

#### H. B. No. 33 on Passage to Third Reading.

The Senate resumed consideration of the pending business, the same being H. B. No. 33 on its passage to third reading, which was under consideration at the time the Senate recessed this morning.

Yeas and nays were demanded, and the bill failed of passage to third reading by the following vote:

#### Yeas—10.

Bowers.	Floyd.
Burkett.	Rice.
Clark.	Thomas.
Cousins.	Turner.
Dudley.	Witt.

#### Nays—12.

Bailey.	Murphy.
Baugh.	Strong.
Davis.	Stuart.
Doyle.	Watts.
Holbrook.	Wood.
McMillin.	Woods.

#### Absent.

Bledsoe.	Parr.
Darwin.	Pollard.
Fairchild.	Wirtz.
Lewis.	Ridgeway.

#### Absent.—Excused.

Rogers.

#### H. B. No. 37 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 37, A bill to be entitled "An Act repealing Chapter 17, Local and Special Laws, enacted by the First Called Session of the Thirty-third Legislature, and amended by the Regular Session of the Thirty-sixth Legislature, entitled San Patricio County Road System, creating, providing that the General Laws of the State of Texas relating to working public roads, appointing overseers, the issuance of bonds for the construction of public roads, shall be applicable to San Patricio County, validating all defined road districts defined, created, and established under and by virtue of said San Patricio County Special Road Law, as well as the road bonds issued thereunder, and declaring an emergency."

The bill was read second time, the committee report that it be not printed was adopted, and it was passed to third reading.

#### H. B. No. 38 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 38, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio County, Texas, defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district with all the powers, rights, and duties of independent school districts created for free school purposes only, validating the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### H. B. No. 47 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 47, A bill to be entitled "An Act to amend Sections One (1) and Fifteen (15) of Chapter Eighty-one (81) of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter Thirty-four (34) of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth (36) Legislature, approved July 25, 1919, as amended by Chapter One Hundred Nineteen (119) of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh (37) Legislature, approved March 31, 1921, extending the term of said Commission to the last Saturday in June, 1923, and providing for the appointment of judges for said extended term of said Commission from the last Saturday in June, 1923, until the last Saturday in June, 1925, for the appointment of judges for said extended term; providing for the qualifications thereof and fixing the same, and providing and fixing the salaries of the same and the manner of payment thereof, and declaring an emergency."

The bill was read second time and passed to third reading.

#### H. B. No. 70 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 70, A bill to be entitled "An Act to amend Article 2178, Chapter 24, Title 37, of the Revised Civil Statutes of Texas, making attorney's fees recoverable in certain cases, by adding thereto a provision making the attorney's fees recoverable in certain suits for loss of, or damage to, express shipments, and declaring an emergency."

The bill was read second time and passed to third reading.

#### H. B. No. 134 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 134, A bill to be entitled "An Act to amend Article 7383 of the Revised Civil Statutes of Texas of 1911, relating to the occupation taxes based upon gross receipts of individuals, com-

panies, corporations and associations engaged in the business of producing oil from oil wells in the State, as amended by Chapter 77 of the Acts of the Thirty-sixth Legislature of the State of Texas at its Regular Session; repealing Article 7383-A as enacted by the Thirty-sixth Legislature, so that hereafter said Article 7383 shall read as follows, and declaring an emergency."

The bill was read second time.

The committee report carrying a substitute for the bill was adopted.

Senator Woods offered the following amendment to the bill:

Amend committee substitute for H. B. No. 134 as follows:

Strike out the words "State Tax Commissioner" where they occur in line 28, page 4, and in line 31, page 5, of the bill and insert in lieu thereof the following words, "Comptroller of Public Accounts."

The amendment was adopted.

Senator Strong offered the following amendment to the bill:

Amend committee substitute for H. B. No. 134 by striking out the figures "2%" wherever they occur in said substitute and insert in lieu thereof the words "3%."

(Senator Murphy in the Chair.)

Senator Holbrook offered the following substitute for the amendment:

Amend H. B. No. 134 by substituting one and one-half per cent in words and figures in line 8, page 6, and in lines 4 and 5, page 5, of said bill, instead of two per cent.

Senator Wood moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

#### Yeas—20.

Bailey.	Pollard.
Baugh.	Rice.
Bowers.	Ridgeway.
Clark.	Strong.
Dudley.	Stuart.
Fairchild.	Thomas.
Floyd.	Turner.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.

#### Nays—8.

Burkett.	Doyle.
Cousins.	Holbrook.
Darwin.	Watts.
Davis.	Woods.

Parr. Absent.

Absent.—Excused.

Bledsoe. Rogers.

Senator Wood moved the previous question on the amendment by Senator Strong.

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—17.

Baugh.	Pollard.
Bowers.	Rice.
Clark.	Ridgeway.
Dudley.	Stuart.
Fairchild.	Turner.
Lewis.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	

Nays—12.

Bailey.	Floyd.
Burkett.	Holbrook.
Cousins.	Strong.
Darwin.	Thomas.
Davis.	Watts.
Doyle.	Woods.

Absent.—Excused.

Bledsoe. Rogers.

Question then recurred on the amendment by Senator Strong.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—13.

Baugh.	Rice.
Bowers.	Strong.
Dudley.	Thomas.
Fairchild.	Turner.
Lewis.	Witt.
McMillin.	Wood.
Pollard.	

Nays—14.

Bailey.	Floyd.
Burkett.	Holbrook.
Clark.	Murphy.
Cousins.	Parr.
Darwin.	Ridgeway.
Davis.	Watts.
Doyle.	Woods.

Absent.

Stuart.

Absent.—Excused.

Rogers.

(Pair Recorded.)

Senator Wirtz (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

(Lieutenant Governor Davidson in the Chair.)

Senator Burkett offered the following amendment to the bill:

Amend C. S. S. B. No. 134, pages 5 and 6, by striking out all of Article 7383b, Section 3 of the substitute.

Senator Clark moved the previous question on the amendment and the passage of the bill to third reading, and the main question was ordered.

Question first recurred on the amendment by Senator Burkett.

Yeas and nays were demanded, and the amendment was lost by the following vote:

Yeas—13.

Bailey.	Pollard.
Baugh.	Rice.
Burkett.	Strong.
Davis.	Watts.
Dudley.	Wood.
Holbrook.	Woods.
McMillin.	

Nays—16.

Bowers.	Murphy.
Clark.	Parr.
Cousins.	Ridgeway.
Darwin.	Stuart.
Doyle.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Lewis.	Witt.

Absent.—Excused.

Bledsoe. Rogers.

Question then recurred on the passage of the bill to third reading.

Yeas and nays were demanded, and the bill was passed to third reading by the following vote:

Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.

Nays—3.

Fairchild.	Woods.
Watts.	

Absent.—Excused.

Bledsoe. Rogers.

**H. B. No. 134 on Third Reading.**

On motion of Senator Darwin the constitutional rule requiring bills to be read three several days in each House, was suspended, and H. B. No. 134 was put upon its third reading and final passage, by the following vote:

**Yeas—28.**

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

**Nays—1.**

Fairchild.

**Absent.—Excused.**

Bledsoe. Rogers.

The Chair then laid H. B. No. 134 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

**Yeas—27.**

Bailey.	McMillin.
Baugh.	Murphy.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

**Nays—1.**

Watts.

**Present—Not Voting.**

Woods.

**Absent.—Excused.**

Bledsoe. Rogers.

**Message from the Governor.**

The Chair laid before the Senate the following message from the Governor, which was read to the Senate:

Governor's Office,

Austin, Texas, March 1, 1923.

To the House of Representatives,  
Thirty-eighth Legislature:

Gentlemen: I am returning herewith to you, with my disapproval and veto House Bill No. 309. This bill provides for the creation of the Ninety-fourth Judicial District Court, composed of Bexar County.

First. We have at this time entirely too many district courts in Texas. A considerable number of our courts now in existence have but little to do. Certainly we should be slow to create new courts while many of those we already have do not have sufficient work to do. There is no private business enterprise anywhere in Texas which would employ additional help to do a particular kind of work while many of those already in the employ of the institution did not have enough work to do to occupy their time. The private institution would readjust matters so that the employees would be kept reasonably busy with the work assigned them. It is conservatively estimated that the running expenses, directly connected with and incident to the operation of a district court, are approximately \$25,000 a year. There are now pending in the Legislature some fifteen or more bills creating that number of new district courts in Texas. All these bills will probably pass and come to my desk for consideration. The proponents of each particular bill think that their court, above all courts, is an absolute necessity. Scarcely any of the respective districts need, if anything, more than temporary relief.

Second. For the purpose of giving temporary relief it is neither wise nor necessary to establish a permanent court. When a court has been once established it seems absolutely impossible at any time to abolish it; courts and public offices once created seem to run on forever.

Two bills now pending before the Legislature, one providing for exchange of benches and the other providing for five district courts for all Texas, will give, according to the judgment of those who have consid-

ered the question, necessary relief, not only in a few particular cases in Texas, but throughout the entire State. We presume these two bills will pass both the House and the Senate within the next few days. These two contemplated laws, when put into operation, will, together, relieve both the civil and the criminal dockets of Bexar County.

Third. To say the least, if it is imperative that the District Courts of Bexar County be given temporary aid, the two proposed laws above mentioned would accomplish this; and when the next regular session of the Legislature convenes, if it were found that such aid had not been sufficient to relieve the congested condition of the court dockets, the State could then go to the expense of creating another permanent district court for Bexar County. The fact that there may be a large number of cases on a court docket does not necessarily mean that the courts need temporary relief, nor does it always indicate that the court is kept busy trying cases. All of us who have practiced law to any extent realize the truth of this statement. Bexar County now has four district courts, all running continuously and practically throughout the year. It is the consensus of opinion of a large number of those familiar with conditions in Bexar County that there is no need for the establishment of an additional district court in that county. The bar of San Antonio has gone on record, at two different meetings recently held, as being opposed to the creation of a new district court, on the grounds that it would be an unnecessary and needless expense. Under the statute and the rules of the district court, cases may be transferred on application, from one court to another and it so happens that in Bexar County there is always a jury present under the special jury law in effect in that county.

Believing that it would be unwise and not in keeping with the principles of strict and rigid economy to create another permanent district court at San Antonio at this time, I am returning herewith to you with my veto, this bill that seeks to estab-

lish another district court in Bexar County.

Respectfully,  
(Signed): PAT M. NEFF,  
Governor.

#### H. B. No. 309, Final Passage Over Governor's Veto.

Senator Ridgeway called up H. B. No. 309, and moved that the bill be reconsidered and passed, notwithstanding the objection of the Governor.

The roll was called and the bill was passed over the Governor's veto by the following vote:

Yeas—21.

Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
McMillin.	Witt.
Murphy.	Wood.
Parr.	

Nays—7.

Bailey.	Lewis.
Cousins.	Watts.
Doyle.	Woods.
Holbrook.	

Absent.—Excused.

Rogers.

(Pair Recorded.)

Senator Baugh (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

#### H. B. No. 177 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 177, A bill to be entitled "An Act to amend Article 5645, Chapter 4, Title 86, Revised Statutes of 1911, Chapter 152, of the General Laws of 1897, Acts of the Twenty-fifth Legislature, same being an Act to protect accountants, bookkeepers, clerks, artisans, craftsmen, operatives, servants, mechanics, quarrymen, common laborers and farm hands; to provide a lien and preserve a time of payment in lawful money of the United States and



prescribing the duty of the assignees of such person or persons, employer, firm or corporation, by changing the time when a duplicate account shall be presented to employer, person, firm or corporation from thirty to ninety days and by changing the time of filing the other duplicate accounts with the county clerk from thirty days to ninety days; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and passed to third reading.

#### H. B. No. 234 on Second Reading.

The Chair laid before the Senate, as regular order, on its second reading.

H. B. No. 234, A bill to be entitled "An Act creating the Springdale Independent School District in Lamb County, Texas; defining its boundaries; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the trustees thereof; providing for the election of its first board of trustees and their successors; providing that certain territory taken away from the Sudan Independent School District in Lamb County, Texas, and placed within the Springdale Independent School District shall remain chargeable with its pro rata part of any bonded indebtedness heretofore voted in said Sudan Independent School District; and providing that the Springdale Independent School District as herein created may as a whole vote to assume such pro rata part of said bonds; providing for the appointment of a board of equalization and tax assessor and collector for said district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### H. B. No. 234 on Third Reading.

On motion of Senator McMillin, the constitutional rule requiring bills to be read on three several days in

each house was suspended, and H. B. No. 234 was put upon its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent.—Excused.

Bledsoe. Rogers.

The Chair then laid H. B. No. 234 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—29.

Bailey.	Murphy.
Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Clark.	Ridgeway.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent.—Excused.

Bledsoe. Rogers.

#### H. B. No. 254 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 254, A bill to be entitled "An Act fixing in counties having a population in excess of one hundred and fifty thousand inhabitants the compensation of district attorneys and providing for the appointment of assistant district attorneys, investi-

gators, stenographers, deputies and other employes, and providing for their salaries and the manner of their payment, and repealing all laws in conflict herewith, with exceptions, and declaring an emergency."

The bill was read second time.

Senator Murphy offered the following amendment to the bill:

Amend H. B. No. 254 as printed in S. B. —, page 2, line 10, by inserting between the words "monthly" and "he," the following:

"And shall not be allowed to practice law during their term of office."

Senator Davis moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—14.

Baugh.	McMillin.
Bowers.	Parr.
Clark.	Pollard.
Darwin.	Ridgeway.
Davis.	Stuart.
Doyle.	Witt.
Dudley.	Wood.

Nays—13.

Bailey.	Strong.
Burkett.	Thomas.
Cousins.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Woods.

Absent.

Lewis. Rice.

Absent.—Excused.

Bledsoe. Rogers.

Question then recurred on the passage of the bill to third reading.

Yeas and nays were demanded, and the bill was passed to third reading by the following vote:

Yeas—19.

Baugh.	McMillin.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Ridgeway.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	

Nays—8.

Bailey.	Thomas.
Cousins.	Watts.
Holbrook.	Wirtz.
Murphy.	Woods.

Absent.

Lewis. Rice.

Absent.—Excused.

Bledsoe. Rogers.

Senator Davis moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that H. B. No. 254 be put upon its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths majority:

Yeas—21.

Baugh.	McMillin.
Bowers.	Parr.
Burkett.	Pollard.
Clark.	Ridgeway.
Cousins.	Stuart.
Darwin.	Turner.
Davis.	Watts.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	

Nays—6.

Bailey.	Strong.
Holbrook.	Thomas.
Murphy.	Woods.

Absent.

Lewis. Rice.

Absent.—Excused.

Bledsoe. Rogers.

H. B. No. 279 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 279, A bill to be entitled "An Act to amend Article 2771, Revised Statutes, 1911, as amended by the Thirty-fifth Legislature, Chapter 160, reducing the amount of bond required of depositories of independent districts."

The bill was read second time.

Senator Floyd offered the following amendment to the bill:

Amend H. B. No. 279, page 2 at the close of Section 1, line 10 by adding a new section to be Sec. 2 and renumbering the following.

Sec. 2. That Article 376 of Chapter 6, Title 8 of the Penal Code of the State of Texas, 1911, be and the same is hereby amended so as to hereafter read as follows:

"Article 376. If any officer of any county in this state, or of any city or town therein, shall become in any manner pecuniarily interested in any contracts made by such county, city or town, through its agents or otherwise, for the construction or repair of any bridge, road, street, alley or house, or any other work undertaken by such county, city or town, or shall become interested in any bid or proposal for such work or in the purchase or sale of anything made for or on account of such county, city or town, or who shall contract for or receive any money or property, or the representative of either, or any emolument or advantage whatsoever in consideration of such bid, proposal, contract, purchase or sale, he shall be fined in a sum not less than fifty nor more than five hundred dollars. Provided that nothing herein shall prevent the Board of Trustees of any independent school district from selecting as depository of such independent school district a bank of which not more than two members of such board of trustees are officers or stockholders, when such depository is selected by a majority of the board of trustees who are not such officers or stockholders in such bank."

The resolution was adopted.

H. B. No. 279 was then passed to third reading.

#### **H. B. No. 33—Motion to Reconsider.**

Senator Fairchild moved to reconsider the vote by which the Senate refused to pass H. B. No. 33 to third reading, and that the motion be spread on the Journal.

The motion prevailed.

#### **H. B. No. 287 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 287, A bill to be entitled "An Act providing that a water improvement district which has made and filed an application with the State Board of Water Engineers for the appropriation and use of water on certain defined lands and for the storage of the water of a stream and watershed and shall have been granted a permit therefor by the State Board of Water Engineers, and parts of said land for which such water was appropriated for irrigation are not included within such district granted such permit, but is included within another district, the said district to which said permit was granted may convey same and all rights granted by said permit insofar as same pertain to said lands to the district in which said lands are located, validating such permits, and declaring an emergency."

The bill was read second time and passed to third reading.

#### **H. B. No. 319 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 319, A bill to be entitled "An Act to repeal Chapter 45 of the Local and Special Laws of the Twenty-seventh Legislature; same being an Act to provide a more efficient public road system for Montgomery County, Texas, and declaring an emergency."

The bill was read second time, and on motion of Senator Lewis, was laid on the table subject to call.

#### **H. B. No. 328 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 328, A bill to be entitled "An Act to repeal Article 7383a as enacted by the Thirty-sixth Legislature relating to occupation taxes based upon gross receipts and adding in lieu thereof a new Article 7383a providing an occupation tax on sulphur produced in the State of Texas by individuals, companies, corporations and associations; providing that in the event of either or a part of Article be held unconstitutional by the courts it shall not invalidate remainder of said Article, and declaring an emergency."

The bill was read second time and on motion of Senator Witt was laid on the table subject to call.

**H. B. No. 419 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 419, A bill to be entitled "An Act to amend Article 7017, Revised Civil Statutes, 1911, conferring authority upon the commissioners' courts of two or more counties to join in the construction of bridges and pay for the same out of the funds of the respective counties, and declaring an emergency."

The bill was read the second time and passed to third reading.

**H. B. No. 476 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 476, A bill to be entitled "An Act repealing Chapter 30 of the General Laws of the Regular Session of the Thirty-seventh Legislature, which chapter relates to the jurisdiction of the county court of Edwards County, and which vested in the county court of said county civil and criminal jurisdiction as provided by General Law for county courts; and reviving any and all laws which stand repealed by reason of said Chapter 30, General Laws, Regular Session, Thirty-seventh Legislature, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and was passed to third reading.

**H. B. No. 487 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 487, A bill to be entitled "An Act defining and regulating the practice of chiropody in the State of Texas; providing for the examination and registration of persons desiring to practice chiropody and the issuance of license therefor; providing for the creation of the State Board of Chiropody Examiners; prescribing fees that may be charged for registration; making it unlawful for any person not licensed under the law of this Act to practice chiropody; providing for the registration of persons who have been engaged in the practice of chiropody in other States; for the revocation of licenses granted by the State Board of Chiropody Exam-

iners for the State of Texas; prescribing fees to be charged by the State Board of Chiropody Examiners; defining offenses and prescribing penalties therefor, and declaring an emergency."

The bill was read the second time and passed to third reading.

**H. B. No. 494 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 494, A bill to be entitled "An Act creating a special road law for Fayette County; providing for a systematic method of road maintenance in harmony with the Davidson-Perkins Patrol Act; adapting the patrol system to the special wants of the county; providing for a budget system for the road and bridge funds of the county; authorizing and directing the commissioners' court to employ a practical road superintendent when in their judgment his services are necessary, and in the absence of such road superintendent making the commissioners such ex-officio road superintendent of his respective commissioners' precinct; prescribing the duties and liabilities of all persons subject to road duty; fixing penalties for the violation or neglect of such duty so imposed; providing that the Act shall be cumulative to existing laws where not in conflict therewith; providing for power and procedure for the protection of roads and highways against unusually heavy traffic, and declaring an emergency."

The bill was read second time, and was passed to third reading.

**H. B. No. 504 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 504, A bill to be entitled "An Act creating and incorporating the Southland Independent School District in the counties of Garza, Lynn and Lubbock, in the State of Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an

assessor and collector of taxes and a board of equalization; providing that said Southland Independent School District shall assume and discharge its pro rata part of any and all bonds, indebtedness and interest thereon now in force against the Slaton Independent School District on terms named in this Act; providing that said Southland Independent School District shall assume and discharge all bonds and indebtedness existing against any common school district whose lands are included within the boundaries of the district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Southland Independent School District as created by this Act; providing that title to any and all property belonging to said district shall vest in the trustees of the independent school district hereby created; provided for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 505 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 505, A bill to be entitled "An Act to amend the Special Road Law for Smith County, Texas, passed at the Regular Session of the Thirty-third Legislature, and known as Chapter 70, Special Laws of the Thirty-third Legislature, by providing that delinquent poll tax payers of Smith County shall be subject to road duty; prescribing penalties for failure to work the roads; providing for the payment of a sum of money in lieu of such road duty; providing how the law is to be enforced, and declaring an emergency."

The bill was read second time and passed to third reading.

#### **H. B. No. 507 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 507, A bill to be entitled "An Act creating the Simmons Independent School District in Live Oak County, Texas; defining its boundaries; providing for a board of trustees; vesting title to all school property within said school district in the trustees and their successors; charging said district with all indebtedness and the performance of all contracts of the school included within the district; providing that the board of trustees heretofore elected and now serving the Simmons Common School District No. 2, as now existing, shall continue in office for the district hereby created until the expiration of their term and their successors shall have been elected and qualified; authorizing the trustees to exercise all the rights and powers conferred by General Laws upon trustees of independent school districts created for school purposes only under the General Laws; validating and continuing in force the local maintenance taxes heretofore voted by the voters in the territory included within the district hereby created, by a uniform tax upon the whole district, increase or diminish the same, or until they abolish such taxes in accordance with the General Statutes; providing that if any part of this Act is held ineffective or unconstitutional, the remaining part of this Act shall not be invalidated; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 508 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 508, A bill to be entitled "An Act to amend Section 3 of an Act creating the Poteet Independent

School District in Atascosa County, Texas, being Chapter 23 of the Acts of the Thirty-third Legislature, Regular Session; providing for the management and control of the public free schools within said district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 509 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 509, A bill to be entitled "An Act creating and incorporating the Levelland Independent School District, in Hockley County, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Levelland Independent School District shall assume and discharge its pro rata part of the bonds and interest thereon now in force against the Ropes Independent School District on terms named in this Act as well as its pro rata part of other indebtedness; continuing valid and binding obligations of said Ropes Independent School District; validating and continuing in force any and all taxes heretofore voted and now in force in any of the territory included within the boundaries of Levelland Independent School District as created by this Act; providing that title to any and all property belonging to said district shall vest in the trustees of the independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees shall be governed by the General Laws of Texas in all matters where this Act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this Act shall not invalidate any remaining provisions of this Act and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 518 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 518, A bill to be entitled "An Act creating the Brackett Independent School District in Kinney County, Texas; defining its boundaries, including the Brackett Independent School District; providing for a board of trustees in said district; conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the present board of trustees shall continue in office until the expiration of their respective terms and validating their elections; providing that outstanding bonds shall remain chargeable against the territory which voted same; providing for an election for the purpose of assuming said bonded indebtedness by the district as herein created; providing for the appointment of an assessor and collector and board of equalization for said district; repealing laws in conflict herewith, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 528 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 528, A bill to be entitled "An Act taking certain territory from Common School District No. 16 of Baylor County and annexing the same to and making it part of Common School District No. 14 of Baylor County, and taking the remainder of the territory of said Common School District No. 16 and annexing the same unto Megargel Independent School District of Archer County, and creating the said Megargel Inde-

pendent School District into a county line independent school district; conferring upon the same the powers now enjoyed by said Megargel Independent School District, and in addition thereto all of the powers which may be enjoyed or exercised by a county line independent school district; and providing for an election to adjust the territory thus attached to said common school district, and the territory thus attached to said independent school district, as to taxes which may be now levied upon said common school district and upon the property of said independent school district, and for an assumption by the said common school district and by said independent school district, respectively, of the pro rata taxes payable by said added territory on account of any outstanding bond issues which may exist against said common school district and against said independent school district, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and it was passed to third reading.

#### **H. B. No. 566 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 566, A bill to be entitled "An Act to amend Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature and amendments thereof, by adding thereto a new section to be known as Section 138, and providing that the board of directors of a water improvement district may exclude from same without requiring an application therefor, lands which cannot be irrigated by gravity flow from the canal system as planned and constructed, and if the owner of such lands shall thereafter and within one year elect to place said lands or part thereof in cultivation by use of water from said irrigation system by means other than provided at the time said lands were excluded, same may be again included in said district upon the application of the owner thereof made as provided by law; providing the manner of excluding and again including such lands in a district; also amending said Act by amending Section 8 of Chapter 13 of the Acts

of the Thirty-seventh Legislature; Regular Session, which Act amended said Chapter 87, Acts of Regular Session of the Thirty-fifth Legislature, providing for the organization and operation of water improvement districts. This Act amends Section 122 of said Chapter 87, Acts Regular Session Thirty-fifth Legislature as amended by Section 8, Acts of the Regular Session of the Thirty-seventh Legislature, and provided the manner and mode of levying and assessing taxes by such districts which may adopt the assessment of benefit plan of taxation, and that such districts may by election adopt a uniform basis of benefits apply to all lands irrigated by gravity flow from the canal system, and for a different basis of assessment on uniform basis on all lands classed as non-irrigable by gravity flow, and providing that if lands so classed as non-irrigable are thereafter irrigated the method of determining the amount of payments to be made thereon, the manner of adopting such assessments by election, declaring an emergency."

The bill was read second time, and it was passed to third reading.

#### **H. B. No. 45 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading.

H. B. No. 45, A bill to be entitled "An Act to prevent the selling of bass, white perch, crappie, channel or other cat fish in the counties of Burnet, Llano, San Saba, Brown, McCulloch, Edwards, Coleman, Concho, Menard, Blanco, Gillespie, Kimble, Sutton, Kinney, Uvalde, Real, Kerr, Val Verde, Bandera, Kendall, Comal, Reeves, Ward, Loving and Pecos, State of Texas; prohibiting the use of any seine, net, trap or other device, for taking or catching fish, other than a minnow seine which shall not be more than twenty feet in length; limiting the size of fish which may be taken with a minnow seine; making it unlawful to violate any of the provisions of this law, and providing penalties for the violations thereof; providing that the district judge of the judicial districts in which these counties are situated shall give a special charge

upon this law to the grand juries of said counties; and declaring an emergency."

The bill was read second time.

Senator Ridgway offered the following amendment to the bill:

Amend H. B. No. 45 by striking from the caption and from the body of the bill the words "Real, Kerr and Comal" wherever the same appears.

The amendment was adopted.

Senator Baugh offered the following amendment to the bill:

Amend H. B. No. 45, page 3, by striking out all of Sec. 3, and inserting in lieu thereof the following:

"Sec. 3. It shall be unlawful for any person to take from the public fresh waters of the counties above mentioned more than twenty-five of such fish in any one day. Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and, upon conviction shall be fined any sum not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars. Each such fish so taken in excess of the number herein allowed shall constitute a separate offense."

The amendment was adopted.

Senator Baugh offered the following amendment to the bill:

Amend H. B. No. 45, page 3, by inserting immediately after Sec. 3, another section to be known as "Sec. 3a" as follows:

Sec. 3a. It shall be unlawful for any person, or persons knowingly to place, throw, or deposit upon the banks or grounds adjacent to any of the public fresh waters, creeks, lakes, bayous, rivers, pools, lagoons, or tanks in the counties above named any catfish, perch, crappie, whiteperch, bass, trout, or other edible fish, and leave such fish to die without any intent upon the part of such persons either to eat such fish, or use same for bait. Any person found guilty of any of the provisions of this section shall be fined in any sum not to exceed twenty-five dollars (\$25.00). Each fish so allowed to die shall constitute a separate offense."

Senator Wood moved to table the amendment and the motion to table was lost.

The amendment was adopted.

Senator Bowers offered the following amendment to the bill:

Amend H. B. No. 45 by striking out from the body and the caption of the bill, the counties of Burleson, Lee and Bastrop.

The amendment was adopted.

H. B. No. 45 was then passed to third reading.

#### H. B. No. 519 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 519, A bill to be entitled "An Act validating Consolidated Common School District No. 1 of Castro County, Texas, and validating an issue of bonds heretofore voted by said district, and declaring an emergency."

The bill was read second time, and the committee report that the bill be not printed was adopted.

Senator Pollard offered the following amendment to the bill:

Amendment No. 1, to H. B. No. 519.

Amend H. B. No. 519 by striking out all above the enacting clause and insert in lieu thereof the following: "An Act validating Consolidated Common School District No. 1 of Castro County, Texas, and validating an issue of bonds heretofore voted by said district; and declaring an emergency."

Amendment No. 2, to H. B. No. 519.

Amend H. B. No. 519 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. Consolidated Common School District No. 1 of Castro County, Texas, as defined in an order of the county board of school trustees of Castro County, Texas, entered on August, 1, 1921 and recorded in Book 1, page 6, of the Record of School Districts of Castro County, Texas, is in all respects validated as of said date.

Sec. 2. The certain issue of school house bonds, aggregating ten thousand (\$10,000.00) dollars, voted by said Consolidated Common School District No. 1 on May 6, 1922, together with the election in regard thereto held on May 6, 1922, and all proceedings in relation to the issuance of said bonds and all tax levies ordered by said court in respect thereto, are in all things validated, and the Attorney General of Texas is authorized to approve said bonds upon proper showing of the



necessary orders of the commissioners' court levying the required taxes to support said bond issue as in other cases.

Sec. 3. The fact that the irregularities in the creation of said district have made it impossible for said district to conduct its finances validly, and consistently, with the educational requirements of said district, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

The amendments were adopted.

H. B. No. 519 was then passed to third reading.

#### H. B. No. 93 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading and passage to third reading,

H. B. No. 93, A bill to be entitled "An Act to make appropriation to pay off that certain note executed by the Prison Commission to Bassett Blakely for the purchase of certain mules, and declaring an emergency."

The bill was read second time, the committee report that the bill be not printed was adopted, and the bill was then passed to third reading.

#### H. C. R. No. 18 on Second Reading.

The Chair laid before the Senate as regular order,

H. C. R. No. 18, with reference to the calling and holding of a Constitutional Convention in the State of Texas.

On motion of Senator Witt, the resolution was laid on the table subject to call.

#### S. B. No. 197 on Third Reading.

On motion of Senator Witt, by unanimous consent, the regular order was suspended, and the Senate took up out of its regular order,

S. B. No. 197, A bill to be entitled "An Act to amend Section 1 of an Act passed by the Thirty-fourth Legislature of Texas and approved March 22, 1915, creating the Tenth Supreme Ju-

dicial District of Texas, the same being Chapter 70 of the Acts of the Regular Session of the Thirty-fourth Legislature, and to create the Tenth Supreme Judicial District of Texas and to provide for the organization of a court of civil appeals within said Tenth Supreme Judicial District and to repeal all laws in conflict herewith, and declaring an emergency."

The Chair laid S. B. No. 197 before the Senate on its third reading and final passage.

The bill was read third time.

Senator Bowers moved to reconsider the vote by which the bill was passed to engrossment.

Senator Murphy moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—13.

Baugh.	Pollard.
Clark.	Rice.
Darwin.	Ridgeway.
Davis.	Stuart.
Doyle.	Wirtz.
Murphy.	Witt.
Parr.	

Nays—12.

Bailey.	Holbrook.
Bowers.	Strong.
Burkett.	Watts.
Cousins.	Wood.
Fairchild.	Thomas.
Floyd.	Turner.

Present—Not Voting.

Lewis.	McMillin.
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Absent.

Dudley.	Woods.
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Absent.—Excused.

Bledsoe.	Rogers.
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Senator Bowers offered the following amendment to the bill:

Amend S. B. No. 197 by striking out the first seventeen lines as contained in the second column of the Senate Journal on page 918.

Senator Murphy moved the previous question on the amendment and the final passage of the bill, and the main question was ordered.

Question first recurred on the amendment.

The roll was called and the amendment was lost by the following vote, not receiving the necessary two-thirds vote:

## Yeas—12.

Bailey.	Floyd.
Bowers.	Holbrook.
Burkett.	Strong.
Cousins.	Thomas.
Darwin.	Watts.
Dudley.	

## Nays—11.

Baugh.	Wood.
Clark.	Ridgeway.
Doyle.	Stuart.
Murphy.	Turner.
Parr.	Wirtz.
Pollard.	Woods.

## Present—Not Voting.

Lewis.	Rice.
McMillin.	Witt.

## Absent.

Fairchild.

## Absent.—Excused.

Rogers.

## (Pair Recorded.)

Senator Davis (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

The roll was then called, and S. B. No. 197 was finally passed by the following vote:

## Yeas—17.

Baugh.	Parr.
Bowers.	Pollard.
Burkett.	Ridgeway.
Clark.	Stuart.
Darwin.	Turner.
Davis.	Witt.
Doyle.	Wood.
Dudley.	Woods.
Murphy.	

## Nays—11.

Bailey.	McMillin.
Cousins.	Rice.
Fairchild.	Thomas.
Floyd.	Watts.
Holbrook.	Wirtz.
Lewis.	

## Present—Not Voting.

Strong.

## Absent.—Excused.

Bledsoe.

Rogers.

52—Senate

**S. B. No. 269 on Third Reading.**

The Chair laid before the Senate by unanimous consent, on its third reading and final passage,

S. B. No. 269, A bill to be entitled "An Act to amend Title 37 of the Revised Civil Statutes of the State of Texas entitled 'Courts—District and County—Practice in,' by adding thereto Chapter 12a relating to procedure in civil district courts in counties having two or more district courts with civil jurisdiction only and whose terms continue three months or longer."

The bill was read the third time.

Senator Murphy offered the following amendments to the bill:

Amend S. B. No. 269, page 2, line 24, by inserting the figure 2 after Subd.

Amend S. B. No. 269, page 7, line 7, by striking out the words "or may be ready for trial during the month for which they are set" and insert in lieu thereof the words "requested to be set."

Amend S. B. No. 269, page 5, line 28, in Subd. 7, after the word "answer" by striking out the words "and shall on or before that date" and insert in lieu thereof the words "and a contest thereof if any, shall be filed within twenty days after the appearance day, and if a contest is filed, the same shall when filed."

Amend S. B. No. 269, page 2, line 14, by striking out the words "forty-five" and insert in lieu thereof the words "fifty-five."

The amendments were adopted severally by unanimous consent.

Senate Bill No. 269 was finally passed.

**S. B. No. 270 on Third Reading.**

The Chair laid before the Senate by unanimous consent, on its third reading and final passage.

S. B. No. 270, A bill to be entitled "An Act to amend Subdivisions 11, 55, 61 and 80 of Article 30 of Title 5 of the Revised Civil Statutes of the State of Texas, which subdivision relates to the District Courts of the Eleventh, Fifty-fifth, Sixty-first and Eightieth Judicial Districts of Texas, and fixing the terms and prescribing the jurisdiction and procedure of said courts and allowing the compensation of the Clerk of the Eightieth Judicial District Court in Harris County."

The bill was read third time.  
 Senator Murphy offered the following amendments to the bill:

(1).

Amend S. B. No. 270, page 16, by placing at the end of page 16 a period.

(2).

Amend S. B. No. 270, page 17 shall begin with a capital—a new sentence.

(3).

Amend S. B. No. 270, page 3, line 19, by striking out the words "be transferred."

(4).

Amend S. B. No. 270, page 3, line 18, by striking out the words "in the discretion of," and insert in lieu thereof the words "be transferred by."

(5).

Amend S. B. No. 270, page 3, line 15, by inserting after the word "filed" the words "and all suits shall be filed by the Clerk in the order in which the petitions are presented to or deposited with him and immediately after being so presented or deposited."

(6).

Amend S. B. No. 270, page 21, by adding at the end of the bill, vacation paragraph as follows:

"The judge of the civil district court in Harris County is authorized to take a vacation and not attend court for six weeks between the first day of July and the first day of October in each year, during which time the term of the court of which he is judge shall remain open, and the judge or any other civil district court in Harris County may hold such court during the vacation of the judge thereof, and during the period of such vacation it shall not be lawful for a special judge of such court to be elected by the practicing lawyers of such court because of the absence of the judge on his vacation—unless none of the judges of said civil district courts is in the county, and the judges of said civil district courts of said county, shall, by agreement among themselves, take their vacations alternately so that there shall at all times be at least one of said judges in the county; and the absence, sickness or disqualification of the judge of any of said civil district courts shall not be ground for the election of a special judge by the practicing lawyers unless all of the

other judges of civil district courts in the county are also absent, sick or disqualified, or are unable or decline to serve.

The amendments were adopted severally by unanimous consent.

S. B. No. 270 was then finally passed.

#### Message From the House.

Hall of the House of Representatives,  
 Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 95, A bill to be entitled "An Act amending the workmen's compensation law, as amended by Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act to prescribe the time and fix the term of holding the district courts in the counties comprising the Seventy-ninth Judicial District of Texas; and to conform all writs and process from such courts to such changes and to make all process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of courts in such districts as herein fixed and to validate the summoning of grand and petit jurors therein; to repeal Sec. 2 of Chapter 48 of the Laws of the Thirty-fourth Legislature, passed and approved March 12, 1915, relating to the time of holding district courts in said district, and repealing Chapter 8 of the Laws of the Thirty-seventh Legislature passed and approved Feb. 2, 1921, relating to the time of holding courts in said district, and repealing Chapter 5 of the General Laws passed by the First Called Session of the Thirty-seventh Legislature, approved August 14, 1921, and repealing all laws in conflict with this Act, and declaring an emergency," notwithstanding the Governor's veto, by a vote of 93 ayes and 26 nays.

H. B. No. 71, A bill to be entitled "An Act to validate certain sales of certain public free school lands sold to purchasers by the State on September 22, 1905, January 8, 1906, and September 5, 1907, and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act creating the Ninety-sixth Judicial District of Texas, and establishing a new civil district within the limits of Tarrant County, additional to the district courts now organized and operating in said county; fixing the terms of said court; defining the jurisdiction thereof; providing for the appointment of the judge thereof by the Governor until the next general election; authorizing the transfer of cases by and between the various civil district courts in said county; repealing all laws in conflict herewith; and declaring an emergency," notwithstanding the Governor's veto, by a vote of 91 ayes and 26 nays.

H. B. No. 309, A bill to be entitled "An Act constituting Bexar County the Thirty-seventh, Forty-fifth, Fifty-seventh, Seventy-third, and Ninety-fourth Judicial Districts; providing for the present judges of the Thirty-seventh, Forty-fifth, Fifty-seventh, and Seventy-third Judicial Districts to continue to hold their offices for the respective terms for which they were elected; the appointment of a suitable person by the Governor as judge of the Ninety-fourth Judicial District to hold until the next general election; prescribing the jurisdiction of said courts and providing for the election of judges thereof, and for the district attorney of the Thirty-seventh Judicial District to be the district attorney of all of said courts; and providing the terms of said courts, and providing for the empaneling of grand juries in the Thirty-seventh, Forty-fifth, and Ninety-fourth Judicial Districts, and providing that the said grand juries shall return all bills of indictment to the court in which said grand jury was empaneled; and providing that said Thirty-seventh, Forty-fifth, and Ninety-fourth Judicial Districts Courts shall give preference to the trial of criminal cases; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency," notwithstanding the Governor's veto, by a vote of 84 ayes and 27 nays.

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk House of Representatives.

#### Bill Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after its cap-

tion had been read, the following House Bill:

H. B. No. 71, referred to Committee on Public Lands and Land Office.

#### Bill Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 468.

#### S. B. No. 360—Ordered Printed in the Journal.

On motion of Senator Darwin, S. B. No. 360, reported adversely with favorable minority report, was ordered printed in the Journal.

#### Adjournment.

On motion of Senator Clark, the Senate at 6:10 p. m. adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

##### Petitions and Memorials.

Senator Floyd sent up and had read a petition, numerous signed by citizens of Mount Pleasant urging support of House Bill No. 475, being a bill calling for additional appropriation for tick eradication.

Lieutenant Governor Davidson offered and read a telegram from Childress, urging the passage of the bill allowing use of county funds for building bridges and roads on cardinal highways.

Senator Burkett sent up a memorial, signed by Upton, Crockett and Reagan County citizens, endorsing the work of the Live Stock Sanitary Commission.

##### Committee Reports.

Senate Chamber,  
Austin, Texas, March 1, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No.

197 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 240 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 396 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 244 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 403 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 366, A bill to be entitled "An Act to amend Section 12 of Chapter 190, Acts of the Regular Session of the Thirty-fifth Legislature, as amended by Section 1 of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, which section relates to the allotment of highway funds in road construction, so as to provide for authority to increase the allotment of such funds to aid in the construction of highways in the different counties, and

to use said funds for maintenance purposes under certain conditions, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

FLOYD, Vice-Chairman.

(Majority Report.)

Committee Room,

Austin Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to provide a portion of the revenue necessary for the construction and maintenance of a State system of public highways by imposing a tax on motor fuels as herein defined, to be paid by wholesale dealers, as herein defined; with certain rights to refunds as herein set forth; regulating the sale of such fuels providing for the reports, of sales of such motor fuels; for the collection of said tax by the Comptroller, and for the disposition of the revenue derived therefrom; fixing penalties for violations of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to return same to the Senate with the recommendation that it do pass with the following amendments, and that the bill be printed in the Journal.

1. Amend House Bill No. 12 by striking out subdivision (a) of Section 1 and inserting in lieu thereof the following:

Motor vehicles as used in this Act, shall include all vehicles of every kind and character including motor boats which are operated or propelled by means of internal combustion of gasoline, benzine, benzol, naphtha and other like fuels.

2. Amend House Bill No. 12 by striking out Section 2 of the bill and in lieu thereof insert the following:

"That on and after July 1, 1923, each and every wholesale dealer, as defined in this Act, who is now engaged or who may hereafter engage in his own name, or in the name of others or in the name of his representatives or agents in this State, in the sale or use of motor vehicle

fuel as herein defined shall not later than the last day of each quarter of the calendar year render to the Comptroller a statement of all the motor vehicle fuel sold or used by him or them in the State of Texas during the preceding quarter of the calendar year, and shall pay the State of Texas a tax of two (2) cents per gallon on all such motor vehicle fuel known as gasoline, benzine, benzol, naphtha and other like fuels, regardless of the quality, proof or standard thereof, so sold or used by such wholesale dealer."

3. Amend House Bill No. 12 by striking from the caption the following words "with certain rights to refunds as herein set forth."

4. Amend House Bill No. 12, as engrossed by striking out the words "on and after June 15, 1923," where they occur in Section 2 of said bill.

5. Amend House Bill No. 12, as engrossed, by striking out "June 15" where it occurs in Sections 4 and 12 of said bill and inserting in lieu thereof "July first."

6. Amend House Bill No. 12, Section 4, as engrossed, by striking out the words "where exemption is not claimed by the purchaser under the terms of this Act."

7. Amend House Bill No. 12 as engrossed, Section 9, by striking out the comma after the word Act and also the following:

"Or any person, firm or agent of any corporation who shall make any false statement in connection with an application for the refund of any money or tax as provided in this Act or who shall collect or cause to be paid to him or any person in Texas without being entitled to the same under the provisions of this Act."

FLOYD, Vice-Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Roads, Bridges and Ferries, to whom was referred H. B. No. 12, have had same under consideration, and return same to the Senate with the recommendation that the substitute bill do pass, and that the bill be printed in the Journal.

Substitute for House Bill No. 12: "An Act to amend Chapter 2, Title 126, of the Revised Civil Statutes of Texas of 1911, relative to occupa-

tion taxes based on gross receipts, by the addition thereto of Article 7377a, imposing a tax on the sale of gasoline, providing for the collection of the tax and for the disposition of the revenue therefrom, and declaring an emergency."

HOLBROOK.

DAVIS.

COUSINS.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 405, A bill to be entitled "An Act to create a more efficient road system for Colorado County, making the County Commissioners of said county ex-officio road supervisors, prescribing their duties as such, and providing for their compensation as such road supervisors; authorizing the Commissioners' Court to employ a civil engineer to plan and superintend road and bridge construction and repair in said county and fixing the compensation of such engineer; providing for the laying off of road precincts; prescribing the duties and liabilities of all persons subject to road duty, and fixing penalties for the violation or neglect of such duties so imposed; providing for exemptions; providing for the working of county convicts on the public roads of said county and authorizing the Commissioners' Court to enact reasonable rules, regulating and punishments necessary for the government, control and discipline of said convicts, and for effectually securing and utilizing their labor; providing for the payment of costs due officers in misdemeanor convict cases; providing for commutation of time of convicts as a reward for faithful service and good behavior; providing a reward not to exceed ten dollars to be offered for the arrest and conviction of escaped county convicts, and taxing such reward and all costs necessarily incurred in the recapture and conviction of such convicts against such convicts; making it a penal offense for any county convict to escape from any person having him in charge for the county, providing a penalty for such escape; providing for the trimming of hedges by the owners of lands adjoining public

roads and providing penalty for failure to trim such hedges; providing the amount of compensation in road time to be allowed to road hands for teams, plows, scrapers and wagons; providing for the condemnation of land for public road purposes; providing for the working of delinquent poll tax payers on the public roads; providing for the appointment of road overseers and defining their powers and duties, providing compensation and providing for penalties for persons failing to work the roads when warned, and for persons failing to do good work, or to work in the manner required by the road supervisor or road overseer; providing for the summoning of persons and teams, plows, scrapers, and wagons to work in connection with the county's regularly organized gang or to repair roads in the precinct; providing for working county convicts either upon the roads and bridges or the county farm or public ground or public buildings or partly or upon either, in the discretion of the Commissioners' Court; and providing for making such laws cumulative to the General Laws of the State of Texas, and in case of conflict the Special Law is to apply to Colorado County, Texas, and repealing all laws or parts of laws in conflict herewith, and all special road laws heretofore enacted for said county not otherwise heretofore repealed, and declaring an emergency."

Have had same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and being a local bill be not printed.

BURKETT, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 361, A bill to be entitled 'An Act to amend Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legisla-

ture, as amended by Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature as amended by Chapter 52 of the General Laws of the First Called Session of the Thirty-seventh Legislature, by amending Sec. 16 of said Chapter 190 as amended, and by adding to said Chapter 190 sixteen new sections to be known as Sec. 16a, 16b, 16c, 16d, 16e, 16f, 16g, 16h, 16i, 16j, 16k, 16l, 16m, 16n, 16o, 16p, so as to provide for the registration of motor vehicles, tractors, trailers, semi-trailers and motorcycles, requiring applications to be filed for the registering of such vehicles and prescribing the fees that shall be paid for their registration, defining commercial motor vehicles and tractors, prescribing penalties for the operation of a motor vehicle on the public highway not registered in accordance with the provisions of this Act, authorizing peace officers to detain certain vehicles not properly registered, prescribing the maximum weights and dimensions of motor vehicles that may be operated on the public highways, providing an additional registration fee for passenger motor vehicles with a seating capacity of more than seven passengers, prescribing the methods by which the fees provided herein shall be computed, requiring commercial motor vehicles to be equipped with rear-view mirrors and with tires of a prescribed minimum width and thickness, authorizing local authorities in charge of the highways to restrict the use of said highways under certain conditions, providing for the recovery of damages for undue injury of highways, the use of which has been so restricted; amending Sec. 3, Chapter 73, General Laws of the Fourth Called Session of the Thirty-fifth Legislature, as amended by Sec. 4, Chapter 1133 of the General Laws of the Regular Session of the Thirty-sixth Legislature so as to provide for distribution and apportionment of license fees collected under this Act; also authorizing the State Highway Commission, on and after January 1, 1924 to maintain the designated State highways and to pay the expenses of such maintenance out of funds derived under this Act insofar as said funds are available for that purpose, requiring the State Highway Com-

mission to publish a full budget and plan of maintenance; to provide for a quarterly pro ration of the fees prescribed herein; providing that the unconstitutionality of any section of this Act shall not affect any other section of the Act; providing that the license fees prescribed herein for commercial motor vehicles, tractors, trailers and semi-trailers shall be charged for the registration of such vehicles registered during the remainder of the calendar year, 1923, and for subsequent calendar years and that the license fees prescribed in this Act for passenger motor vehicles shall be charged for the registration of all passenger cars for the calendar year 1924 and for subsequent calendar years; prescribing penalties for violation of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to return same to the Senate with the recommendation that it do pass.

FLOYD, Vice-Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 406, A bill to be entitled "An Act to amend Chapter 141, Acts of the Regular Session of the Thirty-fifth Legislature, so as to prohibit commissioners' courts and supervisors of levee improvement districts from letting any contract calling for, or requiring the expenditure of two thousand (\$2,000.00) dollars, or more, without first submitting same to competitive bids and publishing notice of the proposed letting of such contract; providing that such requirement may be waived in case of public calamity; requiring all contracts for more than five hundred (\$500.00) dollars and less than two thousand (\$2,000.00) to be let on competitive basis; providing that contracts made in violation of this Act shall not be enforced and may be enjoined; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be not printed, but be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 250, A bill to be entitled "An Act to amend Section 7 of Chapter 74, General Laws, passed at the Second Called Session of the Thirty-sixth Legislature, providing for refund of taxes paid on marl, gravel, sand, shell, or mudshell by any county, city or town; making appropriation for said purpose out of the fish and oyster fund, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 365, A bill to be entitled "An Act to amend Article 2893, Chapter 4, Title 58, of the Revised Civil Statutes of 1911, as amended by the Act of the Thirty-third Legislature passed at its Regular Session, Chapter 121, Section 1, providing for and regulating the payment of compensation for ex-officio services to certain county officers."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 379, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe, or fawn within the limits of the county of Brewster, State of Texas, for a period of five years from and after the passage of this Act,



and providing a penalty therefor, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 499, A bill to be entitled "An Act to prescribe a closed season on quail and doves in Grayson and Collin Counties; providing penalties for violation of same; providing that road runners or chaparrals may be killed at any time, and providing that if any section or part of section in this Act be declared unconstitutional, the remainder of such Act shall remain in full force and effect; adequate fees for the securing of convictions; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Senate Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 353, A bill to be entitled "An Act to prescribe a closed season for the hunting of blue quail or scaled quail in Lampasas County, Texas, and to provide adequate penalties for the unlawful taking, slaughter, storage, or possession of same; to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

WITT, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 1, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

H. B. No. 95, A bill to be entitled "An Act to amend Sections 7 and 8, Part I, of Chapter 103, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, and to amend Part II of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature by adding thereto another section to be known as Section 2a, and to amend Section 5 of Part II of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature, and to amend Sections 5, 10, 11 and 12, Part I, of Chapter 103 of the General Laws of the Regular Session of the Thirty-fifth Legislature entitled 'An Act to amend Chapter 179 of the General Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature entitled 'An Act relating to employers' liability and providing for the compensation of certain employees and their representatives and beneficiaries, for personal injuries sustained in the course of employment and for deaths resulting from such injuries and to provide and determine in what cases compensation shall be paid and to make the payment thereof more certain and prompt by the creation of an insurance association to insure and guarantee such payments and of an industrial accident board for the investigation of claims and for the adjudication thereof for consenting parties; fixing the membership and powers of said board and its compensation and duties, and the method of its appointment and the term of office of its members, and fixing also the powers, duties and liabilities of said insurance association and the extent of control over same to be exercised by the Commissioner of Banking and Insurance, and providing also for the insurance of payments of compensation to employees by certain other insurance companies and organizations, and declaring an emergency,' and declaring an emergency, so as to provide the period during which the association shall furnish medical aid, hospital service and medicines, and so as to provide the right in such beneficiaries to recover compensation for death be determined by the facts that exist at the date of the death of the deceased and said right to be a complete, absolute and

vested one, and to provide venue and penalty, and so as to provide that the association shall make requested reports to the board, and so as to provide for increasing the maximum weekly compensation allowed under the Act, and so as to repeal Section 12c of Part I of Chapter 103, Acts of the Thirty-fifth Legislature, relating to the amount of compensation a subsequent injury entitles one who has received a previous injury, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

MURPHY, Chairman.  
FAIRCHILD.  
DAVIS.

(Majority Report.)

Committee Room,  
Austin, Texas, March 1, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. C. R. No. 19, referring to a proposed amendment to the Federal Constitution, taxing all forms of municipal, State and National securities pending before the Congress of the United States.

Have had said resolution under consideration, and I am instructed by a majority of the committee to report same back to the Senate with the recommendation that it do pass, and that it be not printed in bill form, but be printed in the Journal of today.

WOODS, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, March 1, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred House Concurrent Resolution No. 19, have had same under consideration, and

beg to report same back to the Senate with the recommendation that it do not pass.

MURPHY,  
WIRTZ.  
BAUGH.

Committee Room,  
Austin, Texas, Feb. 29, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 565, A bill to be entitled "An Act to reorganize the Thirtieth and Sixteenth Judicial Districts and to create the Ninety-sixth Judicial District of the State of Texas, and for the appointment of the district judge for said Ninety-second Judicial District; providing for holding the district courts and terms in said Thirtieth, Sixteenth and Ninety-sixth Judicial Districts, respectively; providing that all process and writs heretofore issued, and that all recognizances and bonds heretofore made and executed and returnable to existing terms of district courts in the counties composing said districts, together with jurors heretofore selected are valid and returnable to the first term of such court after this Act takes effect; providing that the county attorneys of the respective counties within said Ninety-sixth Judicial District shall perform the duties of district attorneys in their counties as well as the duties now performed by them, and providing fees of office for such county attorneys; providing for the transfer of cases from the Thirtieth Judicial District to the Ninety-sixth Judicial District, and from the Sixteenth Judicial District to the Ninety-sixth Judicial District, providing for the jurisdiction of said district courts, and providing for the continuation of the existing district courts in said counties in session when this Act takes effect to the end of their terms, repealing all conflicting laws, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

POLLARD, Chairman.

**THIRTY-SEVENTH DAY.**

Senate Chamber,

Austin, Texas,

Friday, March 2, 1923.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Murphy.
Bowers	Parr.
Burkett.	Pollard.
Clark.	Rice.
Cousins.	Ridgeway.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Baugh.	Strong.
Darwin.	

Absent—Excused.

Bledsoe.	Rogers.
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Prayer by the chaplain.

Pending the reading of the Journal, the same was dispensed with on motion of Senator Wood.

(See Appendix for committee reports and petitions).

**Bills and Resolutions.**

By Senator Wood:

S. B. No. 418, A bill to be entitled "An Act granting and dedicating to the City of Austin, Texas, for exclusively municipal park and other recreational purposes 6.41 acres of land, more or less, situated in or near the City of Austin, with reservation, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senators Bowers and Pollard:

S. B. No. 419, A bill to be entitled "An Act to provide that a certified copy of the record of a judgment or decree, or order or entries, in the United States courts in cases charging violation of the laws against the sale, manufacturing, transportation, posses-

sion, of intoxicating liquors, and the ownership or possession of equipment for the manufacture of such liquor may be introduced in evidence in the State courts in prosecutions for violation of any of the prohibition laws of the State, and shall be prima facie evidence of the guilt of the defendant, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

**Simple Resolution No. 79.**

By Senator Floyd:

Whereas, Governor Pat M. Neff in appointing Hon. W. A. Nabors and Dr. W. M. W. Splawn as members of the Railroad Commission, entered into a gentlemen's agreement with the aforesaid appointees that they would not, while members of said commission, become candidates for any public office except for re-election as members of Railroad Commission; and,

Whereas, We believe that such an understanding will conduce to the benefit of the people of Texas and will be in keeping with the wishes of the late Governor James S. Hogg, the father of the Railroad Commission; therefore, be it

Resolved, That the Senate of Texas do hereby commend and approve the action of Governor Neff and the two new Railroad Commissioners in the understanding which they entered into in the aforesaid particulars.

The resolution was read and adopted.

**Simple Resolution No. 80.**

By Senator Davis:

Be it resolved, by the Senate of the State of Texas, That we commend the efforts of the sympathetic and patriotic people of Texas, who are responding to the call of the distressed and the afflicted peoples of the Near East who have been and are now suffering from the ravages of disease and the devastations of war, and we earnestly express the hope of Texas and of America that the people of the entire world, who are more fortunate, will generously endeavor to alleviate the condition of those distressed and unfortunate people."

The resolution was read and adopted.